

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
FEBRUARY 2, 2005 AT 4:00 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Jack Heaton, Pat Zeigler, Rob Kittle, Rick Colglazier, Tom King, and Tom Finke (County Liaison).

Members Absent: Joan Tupin-Crites, Dave Bonnell, John DeLap and John Hatter.

Staff Present: Jeff Bergman, Heather Pope, Sondra Bohn, Marcus Hurley, Thom Weintraut, Laura Thayer and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the January 5, 2005 meeting.

Motion: Ms. Zeigler made a motion to approve the minutes. Mr. Colglazier seconded the motion and it carried unanimously.

OLD BUSINESS REQUIRING COMMISSION ACTION

C/SU-04-10: Northbrook Subdivision Major Modification, A request by Michael and Patricia

Morgan to approve a major modification to a special use district to allow changes in rezoning provisions. The property is located roughly between Northbrook Drive, Haw Creek, County Road 300 North, and Middle Road in Columbus.

Mr. Bergman presented the staff report on this request.

There was no one present to represent the petitioner.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Ms. Zeigler stated she was pleased with the explanation of dry wells, which gave an insight into why The City Council requested a modification of the Plan Commission's prior approval.

Motion: Mr. Heaton made a motion that the modification requested by the City Council be approved and the site provisions amended to read as follows: "will have a crawl space for all manufactured homes, or typical foundations per the building code, for site-built homes. In all instances of slab construction, a note or other indication shall be placed on the certified site plan indicating that (1) positive drainage from the finished floor of the structure to the top-of-curb of the adjoining street is provided and (2) a code-complaint finished floor elevation is provided, each consistent with all applicable regulations. The note and site plan shall be certified by a surveyor licensed in the State of Indiana". Mr. Ruble seconded the motion and

it carried with a vote of 7-0.

NEW BUSINESS REQUIRING COMMISSION ACTION

PUDF-05-01: Prestwick Village Phase II, A petition by Prestwick Square of Columbus Associates LP to approve a Detailed Final PUD Plan, for a property of approximately 7.83 acres, currently zoned PUD, to construct a 127,379 square foot, 116 unit apartment complex with associated parking, landscaping, lighting and other infrastructure. The property is located at 420 Wint Lane (west side of Marr Road, north of McKinley Street), in the City of Columbus.

Ms. Thayer presented the staff report on this request.

Mr. E.R. Gray with E.R. Gray & Associates and Jim Lowery, AIA for Prestwick Square of Columbus Associates, LP represented the petitioner.

Mr. Gray stated that this request was not recorded in a timely manner. He said this was the same project that was approved unanimously by the Board originally in 2004.

Mr. Gray said that there were two items that would be addressed and the recording would be done within the correct time allowed. Mr. Lowery stated they were the owners, developers, contractors and property managers.

Mr. Kittle asked what the basic requirements were for developing the turning radius for the Fire Department other than the turf blocks. Mr. Gray stated that the City Engineer's Office had suggested the turf blocks, which is an option. Mr. Gray said that another way would be to have larger radiuses and widen the turns. Mr. Lowery stated he thought both were required, the turf block for access and the turning radius to accommodate the equipment. Mr. Ruble said that in certain areas the way it was laid out they had insufficient turning radii for all the Fire Department vehicles. Mr. Ruble stated they had agreed to fix that. Mr. Ruble stated that turf blocks were for movement of the fire vehicles to link the two parking areas. Mr. Ruble said it provided green space and allowed access. He stated that Engineering and the Fire Department agreed.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that staff is making no recommendation regarding this request due to lack of clear direction from the original PUD regarding the maximum density at this location. He stated that the Plan Commission has heard this request recently and found to be consistent with the Preliminary PUD. Staff would suggest that if Plan Commission finds that this application is approved it would be subject to the following conditions: (1) The turf block is provided meeting the requirements of the City Engineer, (2) The turning radii meet the City Engineer's requirements and (3) The drainage plan is provided to the City Engineer for approval.

Motion: Ms. Zeigler made a motion to approve this request with the following conditions: (1.) a detailed drainage plan and calculations shall be submitted as requested by City Engineering.

(2) The curve north of the swimming pool shall be redesigned with a radius acceptable to City Engineering, and (3) Radii for "Turf Block" emergency lanes shall be adjusted as specified by City Engineering. Mr. Heaton seconded the motion and it carried with a vote of 7-0.

SU-05-01: Clay Township Fire Department, A request by David Johnson-Bey, Clay Township Trustee, to rezone approximately 4.07 acres from AG (Agricultural District) to SU-11 (Special Use – Public Buildings and Uses) located approximately 1,665 feet east of County Road 500 East on the north side of 25th Street, in the City of Columbus extended jurisdiction.

Ms. Pope presented the staff report on this request.

Mr. Ruble stated that the outstanding issue was for a profile for 25th Street that would help determine the decision site distance, which is the distance a driver needs to recognize an emergency situation. He stated that 25th Street has a speed limit of 55 mph speed limit and approximately carries 8,000 and 9,000 vehicles per day. Mr. Ruble stated they are requesting that information be provided to the City Engineer's Office so they can do an analysis of a decision site distance. He said they did receive adequate information to determine that a stopping site distance had been met.

Mr. Mark Daugherty with Designs by Daugherty, David Johnson-Bey the Clay Township Trustee and Tom Finke with the Fire Department represented the petitioners.

Mr. Daugherty submitted a landscape plan for the site. He said they would submit a lighting plan later. He stated that the existing shed would be used by the Fire Department and they would improve the exterior of the building. Mr. Daugherty stated that the County Surveyor has provided services to the Fire Department and would be working with them on the site distance profile. He stated that the County Highway had recommended that driveway be to the west side of the property. Mr. Daugherty stated the recommendation was to put yellow blinking light that would be activated when the trucks would be leaving or returning to the site. This would alert oncoming motorists approaching the area. Mr. Ruble stated the light would only be required if the site distance was not met.

Mr. Fisher asked if the landscape points were adequate for this site. Ms. Pope stated they were in compliance.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Bergman stated that the Plan Commission should keep in mind that this a type of rezoning request and any approval is a recommendation to the City Council. Mr. Bergman said with the Special Use rezoning the actual site design elements are subject to the Commission and the Council review and approval. He stated it was important that a final site plan be approved before it goes to City Council. Mr. Bergman stated that Staff would send a

favorable recommendation to City Council subject to the following conditions: (1) The profile of 25th Street meet the requirements of the City Engineer's Office, (2) That any corresponding adjustments to the site plan, such as the lighting or signage is provided, (3) That the location for a sign be identified and that sign be limited to a height of 6 ft. and no more than 40 sq. ft. of face are per side, and (4) Due to the fact there are some residential property any exterior lighting on the property they use 90 degree cut off fixtures to minimize any light that would spill off the site. Staff would recommend approval.

Motion: Mr. Kittle made a motion to forward this request to the City Council with a favorable recommendation subject to the following conditions: (1) An edge-of road profile of 25th Street meeting the requirements of the City Engineer shall be provided, and any corresponding adjustment to site access that are required by the City Engineer shall be indicated on the project site plan, (2) A note shall be placed on the site plan indicating that the monument sign shall be a maximum of 6 feet in height (measured from ground level) and shall have a maximum face area of 40 square feet per side, and (3) All exterior lighting shall be noted on the site plan and shall only make use of 90 degree cut off fixtures. Ms. Zeigler seconded the motion and it carried with a vote of 7-0.

RZ-05-01: Charles Blunck, A petition by Charles M. Blunck to rezone 5.81 acres from PUD (Planned Unit Development) to R-6 (Multifamily Residential District). The property is currently used as residential and is located on Two Mile House Road approximately 1/8 mile south of State Road 46 in the City of Columbus.

Mr. Weintraut presented the staff report on this request.

Mr. Rik Sanders with E.R. Gray & Associates and Charles Blunck represented the petitioner.

Mr. Sanders stated the changes that have happened in the past and the history of the housing market in this area has necessitated a change in Mr. Blunck's plans. Mr. Blunck is proposing to divide off the front of the property and then reserve the back portion for the future building. Mr. Blunck's request is for an area of 5.81 acres located on the south side of Two Mile House be re-zoned from PUD to R-6 for the purpose of future residential development. He stated what Mr. Blunck is planning for the back portion will fit with an R-6 zoning and the same would apply for the front property. Mr. Blunck stated that he lived there and would be a hands on developer. Mr. Blunck said the density would be less with the new plan.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Fisher asked if the access was from Two Mile House Road to the back portion of the property.
Mr. Blunck stated there was adequate room to install a new road.

Mr. Bergman stated that staff has no objection to rezoning a PUD to R-6 and that the City Council should be provided with a favorable recommendation with the following conditions: (1) Sidewalks be installed on the entire frontage of Two Mile House Road occur no later than at the time lot 3

is developed and sidewalks be a part of the interior pedestrian circulation of lot 3 and those sidewalks connect to the ones along Two Mile House Road, and (2) That the maximum build out for Lots 1 & 3 together would not exceed 28 units.

Motion: Mr. Colglazier made a motion to forward the request to the City Council with a favorable recommendation subject to the following conditions: (1.) Sidewalks shall be installed along the entire frontage of Two Mile House Road no later than at the time lot 3 of the proposed Re-Plat of the Campbell's Two Mile House Road is developed, (2.) Sidewalks shall be part of the internal pedestrian circulation for the proposed lot 3 and shall connect with the sidewalks to be installed along Two Mile House Road, and (3.) The maximum total number of dwelling units developed on the area subject to the rezoning shall be 28 units. Mr. Kittle seconded the motion and if carried with a vote of 7-0.

MP-04-22: Campbell's Replat of Lot 1R Minor Subdivision is a proposal by Chuck and Susan Blunck to create two lots totaling 5.81 acres. The property is located on Two Mile House Road approximately 1/8 mile south of State Road 46 in the City of Columbus.

Mr. Weintraut presented the staff report on this request.

Mr. Rik Sanders with E.R Gray & Associates and Mr. Blunck represented the petitioners.

Mr. Sanders stated that before there was any platting in the area the property to the south was served by an easement by deed and there was no public right-of-way when the plat was approved. He stated with the plans that Mr. Blunck is proposing there will be no access along that easement line and he is requesting modification for relief of sidewalks along the eastern line of the subdivision.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Motion: Ms. Zeigler made a motion to approve this request and to grant relief from sidewalks or pedestrian systems along the east side of lots 1 and 3. Sidewalks are still required along the entire Two Mile House Road frontage of lots 1 and 3, but the final installation of the sidewalks is tied to development of lot 3. Mr. King seconded the motion and it carried with a vote of 7-0.

RZ-05-02: John Freed, A petition by John Freed to rezone a lot of 7,000 sq. ft. from R-6 (Multifamily Residential) to B-1 (Neighborhood Business District). The property is currently used as multifamily residential and is located on the corner of Central Avenue and 19th Street, more specifically 1902 Central Avenue, in the City of Columbus.

Mr. Hurley presented the background information on this request.

Mr. John Freed owner of the property represented the petitioner.

Mr. Freed passed out before and after pictures of the site to the Commission. He stated that

he wanted them to be aware of the improvements he had made to the property since he has purchased the house.

Mr. Freed said he has been a resident of Columbus since 1978 and has been in the insurance business since 1987. The current business is located at 1604 Central. The lease on that location will expire in November, 2006 and he stated he would like to move his business to 1902 Central. At the present time, this building is being used as a multi-family dwelling. Mr. Freed said by filing the rezoning now, it would give him enough time to get the building rezoned and remodeled for his office before his lease expired. Mr. Freed stated that he intended to be in business for a number of years, and was seeking a permanent location for his office instead of renting.

He stated this location was desirable for an insurance office and it would fit in with the neighborhood. Mr. Freed stated he had compiled a list of 41 businesses starting from 10th Street to 24th Street. Many of them were former homes that have been converted to office uses. The most recent one was Spoon Realty Real Estate located at 10th and Central, which was recently rezoned to allow a business to locate there. He stated that the direction for change in this area is in line with his request.

Mr. Freed stated that the main entrance into the building would be from the back. All the parking would be located in the there and the detached garage would be torn down to make room for more parking. He said he would have an ADA ramp installed from the back entrance coming up to the door.

Mr. Heaton asked him what kind of agency he operated. Mr. Freed stated that it was a full agency, which includes auto, home, health and life.

Mr. Colglazier asked how many parking spaces would be provided in the back after the garage was torn down. Mr. Freed stated there would be six spaces, which would include the parking for the three employees working there.

Ms. Zeigler stated that there was a request north on 25th Street which was within a block of several homes with much commercial zoning surrounding the area. The Commission voted to deny the request because it did not fit with the Comprehensive Plan. Ms. Zeigler stated there were some new homes along 19th Street & Cherry in the last five years. She said that is still held as a residential neighborhood. Ms. Zeigler said she would be more in favor if the complete block was being rezoned, not just one parcel.

Mr. Freed stated that his interpretation of the Comprehensive Plan stated that the direction of this particular area was to accommodate offices and there have been several exceptions made. He said this was not a high traffic business and would be light office. Mr. Freed said this rezoning would enhance the surrounding residences.

Mr. Kittle said in principal he would be opposed to rezoning some parcels that are residential to business. Mr. Kittle stated that the improvements made to this property certainly have improved or give an appearance of improvement to that general area. He said it was difficult to place an additional burden on a petitioner for improvement to an area when at this time we lack a more Comprehensive Plan to address a particular block or areas for this type of rezoning. He said in principal he was opposed, but this is an improvement to that area.

Mr. King asked if Mr. Freed knew of the number of businesses that were there before the Comprehensive Plan went into effect and those that came after. Mr. Freed stated no, the only one he knew for sure was Spool Realty rezoning, which has been within the last year.

Mr. Freed stated that Columbus Security, Stats Ambulance Service, Hair in Motion, Internet Options, Jackson Tax Service, and Women's Health were all converted homes that are now businesses.

Mr. Heaton said he agreed with Ms. Zeigler, but had a question if they were owner occupied as compared to the ones that are rentals.

Ms. Zeigler referred to the request for rezoning north of 25th Street. She said there were seven homes located there. Mr. Heaton stated that there were a number of people who remonstrated against that rezoning. Ms. Zeigler said even though commercial zoning surrounds it, it was a residential lot and the Commission upheld the Comprehensive Plan. She said most of the businesses that Mr. Freed listed have been there for over twenty years and were not developed under the current Comprehensive Plan.

Mr. Fisher opened the meeting to the public.

Mr. Robert Weeks stated he was concerned because the building was built as a single-family dwelling and then turned into a multi-family unit. He stated he was not in favor of this rezoning because of the residential use in the area and there would not be enough parking available in the neighborhood.

Mr. Mark Lindenlaub with Housing Partnership stated they owned the building north of the request, which is a four unit dwelling. He stated he had concerns about a business in that area. Mr. Lindenlaub stated that they have a long-term commitment to the properties that they have developed as residential use. He also expressed concerns about more traffic from a business use.

Mr. Freed said he had no intentions of living at this site. He said he would have adequate parking. Mr. Freed stated that he would be an owner/occupant and that would be a good thing for that location. He said this is consistent with the neighborhood. He stated he would not be opposed to rezoning the complete block. Mr. Freed stated that he did not see any difference in his request than what was proposed by Spoon Real Estate and granted this past year.

Mr. King asked Mr. Freed if he was aware of the Comprehensive Plan before he purchased the building. Mr. Freed said he had talked with the Realtor about it and at that time it did not seem like a problem.

Mr. Fisher closed the meeting to the public.

Mr. Fisher stated that there were numerous businesses located between 17th & 18th block facing east of Central Avenue that have been listed on the handout. He said they were two of the most unattractive blocks in the City of Columbus. He said he did not want to do anything that would encourage more blocks of this kind. Mr. Fisher said he voted against the Spoon Real Estate rezoning for many of the reasons that have been given at this meeting. Mr. Fisher stated that the Comprehensive Plan may call for some commercial development in that

corridor, but he would object to the way it is being developed. He said it was inappropriate to rezone this area one parcel at a time. He stated that the Plan Commission had allowed the Spoon Real Estate rezoning, and today has an opportunity to approve Mr. Freed request, however that is not the way to convert a residential zoned neighborhood to a commercial zoned area. Mr. Fisher stated he would be more receptive to the entire block being rezoned than just the one parcel. He stated there are no businesses in the 19th or 20th block of Central Avenue on the west side. Mr. Fisher stated that this petition and other ones similar are not the appropriate way to make a change.

Mr. Kittle stated he voted against the Spoon Real Estate proposal that went to the City Council. He said he drives that intersection every morning and in principal stated, his vote was correct. The improvements that have been made to the building have improved the appearance of the block. He said this is a different situation as this parcel is more detached from the existing buildings along Central Avenue.

Mr. Ruble said the property had been improved but if this is sold to another person who doesn't take care of it, you are no better off than you were before. He said now there is a single parcel zoned for commercial and the Comprehensive Plan is specific when it comes to this area. He said it was not supposed to be one parcel at a time and asked why it was being considered based on the appearance of the property. Mr. Ruble stated that the Comprehensive Plan should be used as a guideline to how the decisions are made.

Mr. Fisher stated it was important to utilize the Comprehensive Plan to develop this area or any other area in the City. He said it was important to let the Plan speak for the Commission and encourage the use of the document.

Mr. Heaton asked if rezoning is permanent. Mr. Bergman stated that the Plan Commission has the ability to place conditions on a rezoning and that is sometimes done by the Commission and City Council. This request could be limited to office space only and omit some of the other items that are located in this business-zoning district. However, the property would be zoned as business until someone applies for different rezoning. Mr. Kittle asked why the rezoning was approved and was this parcel by parcel rezoning. Mr. Heaton asks how it got approval, as it seems everyone present voted against this request.

Mr. Bergman reminded the Commission that although it is possible to look at requests in the past, no action that the Commission takes sets a precedent. Each property is considered based on its own merit.

Mr. Freed stated that he respected the Comprehensive Plan; however, no plan stays the same forever. He stated that his proposal was consistent with the change that has taken effect over a number of years and to not consider this as a change in a positive way is a mistake. Mr. Freed stated that this has been called a piece meal really is not consistent with the Comprehensive Plan. He said it was important to look at the entire district and the entire direction of change when comparing to the Comprehensive Plan.

Ms. Zeigler stated that the committee liked the small town flavor of Columbus, Indiana and spent many hours trying to get the feel of the community and part of this was to protect residential development.

Mr. Freed stated that the signage could be controlled and he did not think that had been done looking southward from 19th Street. He said the occupancy can be controlled and this space would just be light office. Mr. Freed asked for the request to be approved.

Mr. Bergman stated the properties along this corridor would continue to face pressure to be converted to business uses. He stated the Staff, Plan Commission and City Council will continued to be challenged by those types of request. He stated it was important as they entertain Mr. Freed's request as well as some others to keep in mind some issues that should be considered. He said that Mr. Freed has cleaned up the property. If it were to be rezoned to business, the condition of the property would remain a positive as long as Mr. Freed is the owner. Mr. Bergman stated that there is no guarantee that this would continue to be the case.

Mr. Bergman said we could not make decisions based on who will be the owner of the property.

Mr. Bergman stated that conditions could be attached to this rezoning if approved. He said that the best way to insure that at some point in the future there is a more comprehensive approach to business development would be to send a clear message and deny this request. Mr. Bergman stated that it was important to turn to the criteria that the State law provides. The Land Use map indicates that this area remain residential. There are also a number of goals and policies that discourage development on a lot-by-lot basis. Mr. Bergman stated that this request is not supported by responsible growth and development due to possible conflicts with residential development that is still in the area. Staff would recommend that an unfavorable recommendation be forwarded to the City Council.

Ms. Zeigler made a motion to forward the request on to the City Council with an unfavorable recommendation based on the Comprehensive Plan and the land use conditions in the are. Mr. Ruble seconded the motion and it carried with a vote of 7-0.

DISCUSSION ITEMS

Mr. Fisher said that he felt the new format of staff reports were easier to read and understand. Mr. Fisher stated that there was a new component in packets this month and that was the *Commissioner's Connection*. Ms. Strait stated that this was to be an educational and informational tool for the Plan Commission each month. Each month would have a different theme and any suggestions would be appreciated.

Mr. Bergman stated that on the March agenda there would be a change of Rules of Procedure regarding notification of surrounding property owners. He stated that currently the property owner is sent a letter from the GIS map and then the list is taken to the Auditor's Office to verify those owners. There are two changes in the notification method and these are in the Rules and Procedures of the Plan Commission. He said we are proposing to use the GIS system only and supplement that by placing a sign at the property. Mr. Fisher stated he thought it was a good idea and thought more property owners would take notice.

Mr. Bergman said that he wanted the Plan Commission to be aware of Use Variances and how they could be used as a planning tool. They are not used often and the criteria that State Law sets out for approving use variances is tough criteria for a petitioner to meet. However, there is a vehicle by which land use change can occur on a property without the Plan Commission or City Council having an opportunity to see it and that is the use variance, which would be approved by the Board of Zoning Appeals.

The appointment of the 2005 County Plan Commission liaison was taken under advisement to the March meeting.

The appointment of the 2005 Plat Committee Alternate was taken under advisement to the March meeting.

The appointment of the 2005 Utility Review Committee was taken under advisement with a suggestion that Mr. John DeLap continue to serve in that position.

Mr. Bergman stated that a group of IU students would be working with the Planning Department on issues that pertain to annexations. They will be working with City Department heads and look into national standards for services.

Mr. Bergman stated that a Director for the MPO Director's position has been filled. His name is Kent Anderson.

Mr. Bergman said he would like to make a change in the fee schedule. An amendment to the fee schedule back in 2000 added a \$10.00 fee for recording a document with conditions. Mr. Bergman stated his recommendation and approval to delete the fee from the schedule and make clear that the property owner will be responsible for recording.

Motion: Mr. King made a motion that the additional fee that is currently in place of \$10.00 be deleted and the recording of written commitments is clearly indicated as the responsibility of the applicant. Ms. Zeigler seconded the motion and it carried unanimously by voice vote.

Mr. Bergman stated that sometime the Department is asked by public entities to waive fees associated with filings of petitions. He ask that the fee schedule be changed to indicate that any request for waiver of fees come to the Plan Commission rather than Staff making a judgment call. Mr. Bergman stated he needed permission from Commission to put that on the schedule. He stated there is no existing criteria for that at this point. Mr. Bergman said this might vary all over the State. Mr. Fisher stated that this should be examined case by case. That was the consensus of the Commission

Mr. Bergman stated there would be a Joint City/County Plan Commission first annual meeting, March 15th, 2005 at 4-6 p.m. in the Meeting Room downstairs in City Hall.

REPORTS & RECOMMENDATIONS

DIRECTOR'S REPORT

LIAISON REPORTS

Written reports were received and discussed.

ADJOURNMENT: 6:30 P.M.